

SENATE BILL No. 426

By Committee on Ethics and Elections

1-22

9 AN ACT concerning elections; pertaining to methods of voting absentee
10 ballots by uniformed and overseas citizens and federal service voters;
11 amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2009 Supp. 25-1216
12 and repealing the existing sections.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 25-1215 is hereby amended to read as follows: 25-
16 1215. Every person in federal services who is eligible to register for and
17 is qualified to vote at any general election under the laws of this state and
18 who is absent from his place of residence in this state shall be entitled,
19 as provided in this act, to vote by federal services absentee ballot at any
20 ~~primary or general~~ election held in ~~his~~ *such person's* election district or
21 precinct, notwithstanding any provision of law relating to the registration
22 of qualified voters.

23 Sec. 2. K.S.A. 2009 Supp. 25-1216 is hereby amended to read as
24 follows: 25-1216. (a) Every person who is qualified and eligible to vote
25 by federal services absentee ballot under the provisions of this act may
26 make application for such ballot to the county election officer of the
27 county of such voter's residence or to the secretary of state. Such appli-
28 cation shall be made by postcard application provided for and prescribed
29 in the federal act or on a form to be prescribed by the secretary of state.
30 Any such application shall be valid for any election at which such voter
31 otherwise is entitled to vote between the date of the application through
32 ~~the next two regularly scheduled general elections for national or state~~
33 ~~office~~ *end of the calendar year.*

34 (b) If the voter is residing outside the United States or is a member
35 of the United States armed forces or a spouse or dependent of a member
36 of the armed forces and a qualified elector and cannot vote timely by
37 mail, the voter may apply for registration and an absentee ballot by fac-
38 simile, *electronic mail or other electronic method authorized by the sec-*
39 *retary of state.* The voter may also request that the county election officer
40 transmit to such voter by facsimile, *electronic mail or other electronic*
41 *method authorized by the secretary of state,* a ballot, or a second ballot,
42 as the case may be. ~~The voter may then either mail or transmit by facsim-~~
43 ~~ile such voter's voted ballot, back to the county election officer.~~ *The voter*

1 *may transmit such voter's ballot back to the county election officer by*
2 *mail, facsimile, electronic mail or other electronic method authorized by*
3 *the secretary of state.*

4 If the voter chooses to transmit the voted ballot to the county election
5 officer by facsimile, *electronic mail or other electronic method authorized*
6 *by the secretary of state* the transmittal shall contain the following state-
7 ment: "I understand that by faxing, *emailing or electronically transmitting*
8 my voted ballot I am voluntarily waiving my right to a secret ballot." This
9 statement shall be followed by the voter's signature and the date. Upon
10 receipt of the transmittal, the county election officer shall place the voted
11 ballot along with the signed statement and affidavit in an appropriately
12 marked envelope and seal it. The county election officer and such officer's
13 staff shall take the steps necessary to keep the voted ballots received by
14 facsimile, *electronic mail or other electronic method authorized by the*
15 *secretary of state* as confidential as practicable.

16 Sec. 3. K.S.A. 25-1218 is hereby amended to read as follows: 25-
17 1218. (a) The secretary of state shall prescribe the form of official federal
18 services absentee ballots. Such ballots shall provide for voting for all of-
19 ficers, ~~other than precinct committeeman and committeewoman, for~~
20 ~~whom the voter would otherwise be entitled to vote and shall also provide~~
21 ~~for voting on any proposed amendment to the constitution of the state of~~
22 ~~Kansas and any other proposition or question which is to be submitted~~
23 ~~to a vote of the qualified electors of the state at large and on any prop-~~
24 ~~osition or question for which the voter would otherwise be entitled to vote.~~
25 Such ballots shall be uniform in size and in style of type, and the type
26 and paper shall conform generally to that used for the regular official
27 ballots. The respective county election officers shall cause to be prepared
28 and printed such numbers of ballots as may be appropriate for carrying
29 out the provisions of this act.

30 (b) Such ballots shall contain the title of each office to be voted for,
31 followed by the name and address of each nominated candidate for each
32 office, the party or independent body nominating such candidate, a des-
33 ignation of the political subdivision to be represented, and a blank space
34 for writing in the name of any other person for whom the voter desires
35 to vote, ~~except that. Except for precinct committee man and committee~~
36 ~~woman, no such blank space shall be printed on the primary ballot fol-~~
37 ~~lowing the title of any office for which there is a candidate.~~

38 (c) *Any person who is qualified to vote under this act shall be allowed*
39 *to submit a federal write-in absentee ballot as prescribed pursuant to the*
40 *federal act if the:*

- 41 (1) *Person has previously submitted a proper application for a ballot;*
- 42 (2) *ballot was not received; and*
- 43 (3) *person does not submit the federal write-in absentee ballot from*

1 *a location within the United States.*

2 Sec. 4. K.S.A. 25-1215 and 25-1218 and K.S.A. 2009 Supp. 25-1216
3 are hereby repealed.

4 Sec. 5. This act shall take effect and be in force from and after its
5 publication in the Kansas register.